

ER

CIVIL COVER SHEET

16-0-2463

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Zelda Weiner
3053 Chapel Avenue West, Apt. 706
Cherry Hill, NJ 08002

(b) County of Residence of First Listed Plaintiff Camden
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Kaiserman Company, Inc.
201 S. 18th Street, Suite 300
Philadelphia, PA 19103

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Ronald A. Blumfield, Esquire
1845 Walnut Street, Suite 1199
Philadelphia, PA 19103

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |
| Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title 28 U.S.C. 1332 - Diversity

Brief description of cause:
Personal Injury - Premises Liability

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint.

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
05/19/2016

SIGNATURE OF ATTORNEY OF RECORD

MAY 19 2016

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Zelda Weiner

16 2463

Address of Defendant: 3053 Chapel Avenue West, Apt. 706, Cherry Hill, NJ 08002

Place of Accident, Incident or Transaction: Barclay Farms Office Pavilion, 1409 E. Route 70, Cherry Hill, NJ 08034

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐

No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☐

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) Premises Liability

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Ronald A. Blumfield, Esquire, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 5/18/2016

[Signature]
Attorney-at-Law

10362

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/18/2016

[Signature]
Attorney-at-Law

10362 MAY 19 2016
Attorney I.D.#

ER

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Zelda Weiner

CIVIL ACTION

v.

Kaiserman Company, Inc.

NO.

16**2463**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

May 18, 2016	Ronald A. Blumfield, Esquire	Plaintiff
<u>Date</u>	<u>Attorney-at-law</u>	<u>Attorney for</u>
(215) 569-3900	(215) 689-4328	Ronald@blumfieldlaw.com
<u>Telephone</u>	<u>FAX Number</u>	<u>E-Mail Address</u>

(Civ. 660) 10/02

MAY 19 2016

\$400

ER

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD A. BLUMFIELD, P.C.
ronald@blumfieldlaw.com
Ronald A. Blumfield (Pa ID 10362)
1845 Walnut Street – Suite 1199
Philadelphia, Pennsylvania 19103
Telephone No.: 215-569-3900
Facsimile No.: 215-689-4328

THIS IS AN ARBITRATION CASE

ATTORNEY FOR PLAINTIFF

16 2463

CIVIL ACTION

No.

ZELDA WEINER
3053 Chapel Avenue West
Apt. 706
Cherry Hill, NJ 08002

Plaintiff,

vs.

KAISERMAN COMPANY, INC.
201 South 18th Street, Suite 300
Philadelphia, PA 19103

Defendant(s).

CIVIL ACTION COMPLAINT

Plaintiff, Zelda Weiner, by her undersigned counsel, brings this action against the above-captioned Defendant and in support thereof avers as follows:

1. Plaintiff, Zelda Weiner is an adult individual who at all times material to this action was and remains a domiciliary of the state of New Jersey with a residence at 3053 Chapel Avenue West, Apt. 706, Cherry Hill, NJ 08002.

2. Defendant, Kaiserman Company, Inc. (hereinafter referred to as Defendant) is a

domestic corporation, incorporated in the state of Pennsylvania with a primary place of business located at 201 South 18th Street, Suite 300, Philadelphia, PA 19103.

COUNT I NEGLIGENCE
ZELDA WEINER V. KAISERMAN COMPANY, INC.

3. On July 3, 2014, and at all other times material to this action, Defendant, owned, possessed, maintained, controlled and/or otherwise occupied the subject premises located at the Barclay Farms Office Pavilion, 1409 E. Route 70, Cherry Hill, NJ 08034.

4. On or about July 3, 2014, and for sometime prior thereto, Defendant allowed and permitted a dangerous condition to exist in the parking lot on or about the premises located at Barclay Farms Office Pavilion, 1409 E. Route 70, Cherry Hill, NJ 08034.

5. On or about July 3, 2014 at or around 4:00 p.m. Plaintiff, who was lawfully upon the aforesaid premises, was walking as a pedestrian in the parking lot of Barclay Farms Office Pavilion, 1409 E. Route 70, Cherry Hill, NJ 08034 when she was caused to fall due to a dangerous, hazardous and defective condition in the parking lot, causing plaintiff to sustain serious and permanent injuries and other losses hereinafter more fully set forth at length.

6. Plaintiff avers that Defendant knew or should have had notice of said dangerous conditions prior to the happening of the aforesaid incident, said incident occurring while Plaintiff, was lawfully on the premises and property owned, operated, maintained, possessed and/or controlled by Defendant.

7. Plaintiff avers that Defendant was provided actual notice of said dangerous conditions prior to the happening of the aforesaid incident, said incident occurring while Plaintiff, was lawfully on the premises and property owned, operated, maintained, possessed and/or controlled by Defendant.

8. The negligence and carelessness of Defendant further consisted of:

- a. Allowing and permitting a dangerous condition to exist on or about said premises and property which it knew or should have known about;
- b. After having constructive notice of said defective condition, failing to repair the defective condition;
- c. After having actual notice of said defective condition failing to repair the defective condition;
- d. Failing to repair the defective condition described above;
- e. Failing to properly, completely and thoroughly inspect the property;
- f. Failing to promptly and carefully post warning signs, install barricades and or post notices to warn individuals of the defective condition;
- g. Failing to inspect and failing to establish a policy of inspection;
- h. Failing to properly maintain the said property;
- i. Negligently maintaining the said property;
- j. Failing to correct said dangerous condition, which it knew or should have known about;
- k. Failing to warn Plaintiff of said dangerous condition which it knew or should have known about;
- l. Failing to take corrective action and/or doing so in a negligent and careless manner.
- m. Such other acts and omissions which constitute negligence and which may become more apparent during discovery;
- n. Failing to exercise reasonable care under the circumstances and;
- o. Negligence at law.

9. Defendant by their actions in this case, as addressed in the applicable statutes, have waived his immunity, if any, in this case.

10. As a direct and proximate cause of the negligence of Defendant, and not through any act or omission of her own, Plaintiff has suffered serious and permanent impairment of body function, including but not limited to an impacted fracture of the right Humerus which required extensive treatment and rehabilitation.


11. Solely by reason of the aforesaid injuries, Plaintiff has undergone great mental pain and suffering and physical pain and suffering and in the future will suffer great mental pain and suffering and physical pain and suffering as well as suffered severe disabilities with large and various medical bills in an attempt to cure herself of aforesaid injures.

12. All of the above injuries and damages are the direct and proximate result of the carelessness and negligence of Defendant.

13. Further, by reason of the aforesaid, the Plaintiff has been obliged to expend various sums of money for medicine and medical attention in and about endeavoring to treat and cure herself of her said injuries and will be obliged to expend additional sums of money for the same purposes in the future, all to her great financial damage and loss.

14. In this matter, Plaintiff's damages exceed the amount of \$75,000.00.

WHEREFORE, Plaintiff, Zelda Weiner, hereby demands judgment against Defendant Kaiserman Company, Inc. in a sum not in excess of One Hundred and Fifty Thousand (\$150,000.00) Dollars.

RONALD A. BLUMFIELD, P.C.
By: 
RONALD A. BLUMFIELD, ESQUIRE
Attorney for Plaintiff

Date: May 19, 2016